

REMARKS

In response to the Office Action dated November 15 2006, please consider the following amendments and remarks made in a good faith attempt to move prosecution of this application forward to a proper allowance of the claims.

A one month extension of time to respond, pursuant to 37 C.F.R. 1.136 is hereby requested, and a check for the fee for same is enclosed herewith in the amount of \$55.00.

Applicant respectfully urges that at least the newly submitted claims are allowable over the cited prior art (Hsu and Fliermans). In line with In Re Kumar, 418 F.3d 1161 (2005), it is respectfully submitted that Hsu is non-enabled prior art. In other words, by providing a range of "5-98%" in garlic concentrate, Hsu essentially specifies no enablement at all. Research at the behest of Applicant reveals that only the range of between approximately 10% and 30% is efficacious (less than about 10% appears to be ineffective, and more than about 30% is deleterious to many plant species. Hsu's disclosure is further compromised as an effective reference by his teaching that garlic is to be combined with "essential oils" between 2% and 95%. Hsu appears only to even arguably possess an invention which relies on the combination of garlic and essential oils, and teaches essentially any combination might be tried.

Hsu objectively fails to grasp that garlic, as the lone essential ingredient, in a essentially inert, aqueous medium, when applied at the concentration levels taught by the present application, is effective as a fungicide. At all times, Hsu teaches and claims the combination of garlic with other active ingredients.

By substituting the newly herein submitted claims, which are written in "consisting essentially of...." language format, it is believed that the Hsu reference is adequately distinguished.

As for the Section 103 Fliermans reference, it is respectfully noted that such reference post-dates the priority date of the present application, and its disclosure as enables the existing and newly submitted claims.

In view of the foregoing, allowance of the newly submitted claims 16 - 21 is requested. If issues which stand in the way of such allowance remain, and a telephone call or interview is reasonably likely to resolve same, a telephone call is requested - (254-498-1431).